

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**RACHAEL ANNE ELROD, ANDREW
KAUFMAN, SARAH MARTIN, and BROOKS
BRASFIELD, on behalf of themselves and all
others similarly situated,
Plaintiffs,**

v.

**NO TAX 4 NASH, MICHELLE FOREMAN,
And JOHN DOES 1-10
Defendants.**

No. 3:20cv00617

District Judge Eli J. Richardson

**Magistrate Judge Barbara D.
Holmes**

CLASS ACTION

JURY TRIAL DEMANDED

MICHELLE FOREMAN'S ANSWER TO PLAINTIFFS' AMENDED COMPLAINT

Comes the Defendant, Michelle Foreman, by and through counsel, and hereby answers the Amended Complaint as follows:

1. The factual averments in numbered paragraph 1 of the Amended Complaint are **DENIED.**
2. The factual averments in numbered paragraph 2 of the Amended Complaint are **DENIED.**
3. The factual averments in numbered paragraph 3 of the Amended Complaint are **DENIED.**
4. The factual averments in numbered paragraph 4 of the Amended Complaint are **DENIED.**
5. The factual averments in numbered paragraph 5 of the Amended Complaint are **ADMITTED.**

6. The factual averments in numbered paragraph 6 of the Amended Complaint are
DENIED.
7. The factual averments in numbered paragraph 7 of the Amended Complaint are
ADMITTED.
8. The factual averments in numbered paragraph 8 of the Amended Complaint are believed
to be true.
9. The factual averments in numbered paragraph 9 of the Amended Complaint are believed
to be true.
10. The factual averments in numbered paragraph 10 of the Amended Complaint are believed
to be true.
11. The factual averments in numbered paragraph 11 of the Amended Complaint are believed
to be true.
12. The factual averments in numbered paragraph 12 of the Amended Complaint are
DENIED.
13. The factual averments in numbered paragraph 13 of the Amended Complaint are
ADMITTED.
14. The factual averments in numbered paragraph 14 of the Amended Complaint are
DENIED.
15. The factual averments in numbered paragraph 15 of the Amended Complaint are
ADMITTED.
16. The factual averments in numbered paragraph 16 of the Amended Complaint are believed
to be true.

17. The factual averments in numbered paragraph 17 of the Amended Complaint are believed to be true.
18. The factual averments in numbered paragraph 18 of the Amended Complaint are neither admitted nor denied.
19. The factual averments in numbered paragraph 19 of the Amended Complaint are neither admitted nor denied.
20. The factual averments in numbered paragraph 20 of the Amended Complaint are neither admitted nor denied.
21. The factual averments in numbered paragraph 21 of the Amended Complaint are neither admitted nor denied.
22. The factual averments in numbered paragraph 22 of the Amended Complaint are neither admitted nor denied.
23. The factual averments in numbered paragraph 23 of the Amended Complaint are neither admitted nor denied.
24. The factual averments in numbered paragraph 24 of the Amended Complaint are neither admitted nor denied.
25. The factual averments in numbered paragraph 25 of the Amended Complaint are neither admitted nor denied.
26. The factual averments in numbered paragraph 26 of the Amended Complaint are neither admitted nor denied.
27. The factual averments in numbered paragraph 27 of the Amended Complaint are neither admitted nor denied.

28. The factual averments in numbered paragraph 28 of the Amended Complaint are neither admitted nor denied.

29. The factual averments in numbered paragraph 29 of the Amended Complaint are **DENIED.**

30. The factual averments in numbered paragraph 30 of the Amended Complaint are **DENIED.**

31. The factual averments in numbered paragraph 31 of the Amended Complaint are **DENIED.**

32. The factual averments in numbered paragraph 32 of the Amended Complaint are **DENIED.**

33. The factual averments in numbered paragraph 33 of the Amended Complaint are **DENIED.**

34. The factual averments in numbered paragraph 34 of the Amended Complaint are **DENIED.**

35. The factual averments in numbered paragraph 35 of the Amended Complaint are **DENIED.**

36. The factual averments in numbered paragraph 36 of the Amended Complaint are **DENIED.**

37. The factual averments in numbered paragraph 37 of the Amended Complaint are **DENIED.**

38. The factual averments in numbered paragraph 38 of the Amended Complaint are **DENIED.**

39. The factual averments in numbered paragraph 39 of the Amended Complaint are
DENIED.

40. The factual averments in numbered paragraph 40 of the Amended Complaint are
DENIED.

41. The factual averments in numbered paragraph 41 of the Amended Complaint are
DENIED.

42. The factual averments in numbered paragraph 42 of the Amended Complaint are
DENIED.

43. The factual averments in numbered paragraph 43 of the Amended Complaint are
DENIED.

44. The factual averments in numbered paragraph 44 of the Amended Complaint are
DENIED.

45. The factual averments in numbered paragraph 45 of the Amended Complaint are true to
the extent that Best Sellers, LLC conducted a public relations campaign otherwise the
factual allegations are **DENIED.**

46. The factual averments in numbered paragraph 46 of the Amended Complaint are
DENIED.

47. The factual averments in numbered paragraph 47 of the Amended Complaint are
DENIED.

48. The factual averments in numbered paragraph 48 of the Amended Complaint are
DENIED.

49. The factual averments in numbered paragraph 49 of the Amended Complaint are
DENIED.

50. The factual averments in numbered paragraph 50 of the Amended Complaint are
DENIED.

51. The factual averments in numbered paragraph 51 of the Amended Complaint are
DENIED.

52. The factual averments in numbered paragraph 52 of the Amended Complaint are
DENIED.

53. The factual averments in numbered paragraph 53 of the Amended Complaint are
DENIED.

54. The factual averments in numbered paragraph 54 of the Amended Complaint are
DENIED.

55. The factual averments in numbered paragraph 55 of the Amended Complaint are
DENIED and opposed.

56. The factual averments in numbered paragraph 56 of the Amended Complaint are
DENIED.

57. The factual averments in numbered paragraph 57 of the Amended Complaint are
DENIED.

58. The factual averments in numbered paragraph 58 of the Amended Complaint are
DENIED.

59. The factual averments in numbered paragraph 59 of the Amended Complaint are
DENIED.

60. The factual averments in numbered paragraph 60 of the Amended Complaint are
DENIED.

61. The factual averments in numbered paragraph 61 of the Amended Complaint are
DENIED.

62. The factual averments in numbered paragraph 62 of the Amended Complaint are
DENIED.

63. The factual averments in numbered paragraph 63 of the Amended Complaint are
DENIED.

64. The factual averments in numbered paragraph 64 of the Amended Complaint are
DENIED.

65. The Defendant relies upon her responses to all factual averments as previously pled.

66. The factual averments in numbered paragraph 66 of the Amended Complaint are
DENIED.

67. The factual averments in numbered paragraph 67 of the Amended Complaint are
DENIED.

68. The factual averments in numbered paragraph 68 of the Amended Complaint are
DENIED.

69. The Defendant relies upon her responses to all factual averments as previously pled.

70. The factual averments in numbered paragraph 70 of the Amended Complaint are
DENIED.

71. The factual averments in numbered paragraph 71 of the Amended Complaint are
DENIED.

72. The factual averments in numbered paragraph 72 of the Amended Complaint are
DENIED.

73. The Defendant relies upon her heretofore pled responses to all prior averments.

74. The factual averments in numbered paragraph 74 of the Amended Complaint are
DENIED.

75. The factual averments in numbered paragraph 75 of the Amended Complaint are
DENIED.

76. The factual averments in numbered paragraph 76 of the Amended Complaint are
DENIED.

77. The factual averments in numbered paragraph 77 of the Amended Complaint are
DENIED.

Any factual averments not expressly admitted are hereby denied

**THE DEFENDANT, MICHELLE FOREMAN, RELIES UPON THE FOLLOWING
AFFIRMATIVE DEFENSES:**

1. The Defendant relies upon the affirmative defense of failure to state a cause of action upon which relief can be granted.
2. The Defendant relies upon the affirmative defense of no agency.
3. The Defendant relies upon the affirmative defense of impossibility.
4. The Defendant relies upon the affirmative defense that if there were any violations of the law and T.C.P.A. at 47 U.S.C. §227 that they were committed by Best Sellers, LLC or some other party or individual on their own volition and without her direction, acquiescence, control or consent.
5. The Defendant relies upon the affirmative defense of the statute of frauds.
6. The Defendant relies upon the affirmative defense of her 1st Amendment right to protest, and express her views.
7. The Defendant relies upon the affirmative defense of unclean hands and barratry.

8. The Defendant relies upon the affirmative defense of failure to agree to commit any legal violations.
9. The Defendant relies upon the affirmative defense of no intentional or knowing violations of the law.

THE DEFENDANT, MICHELLE FOREMAN, PRAYS FOR THE FOLLOWING RELIEF:

1. That the Amended Complaint be dismissed with prejudice;
2. That the Defendant be awarded her attorney's fees and costs in defending this action;
3. That a jury of twelve (12) be impaneled to hear this action;
4. That the Court deny the certification of any proposed class and class action;
5. That she be awarded such other, further relief to which she may be entitled.

Respectfully submitted,

KLINE PRESTON LAW GROUP

/s/ G. Kline Preston, IV

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Attorney for Defendant, Michelle Foreman

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been served via CM/ECF on the 2nd day of November, 2020 on the following:

Mr. John Spragens, Esq.
Spragens Law, PLC
311 22nd Avenue North
Nashville, TN 37203

/s/ G. Kline Preston, IV
G. Kline Preston, IV